

Notice of Allowability

Application No.

10/047,511

Examiner

Nicholas R. Taylor

Applicant(s)

COOK ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE filed on August 25th, 2006.
2. ☒ The allowed claim(s) is/are 1-13.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>11/7/06</u> |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Applicant's submission filed on August 25th, 2006, has been entered.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Lawrence Eisen, Reg. No. 41,009, on November 7th, 2006.

3. The claims should be amended to read as follows:

Claim 1:

A method for server side insertion of content into streaming media including the steps of

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providing a streaming server;

associating an insertion plugin with the streaming server;

generating a command which includes indicia for locating content desired by a user and indicia for locating a source for content to be inserted; and

~~substituting~~ removing and replacing by the insertion plugin, in response to a signal associated with the content desired by the user, packets of content to be inserted for packets of the content desired by the user without requiring a re-buffering between the packets of content to be inserted and the content desired by the user; and

adjusting the time of at least one packet of content to be inserted to match the time of at least one substituted packet of content desired by the user,

wherein the substituting step is carried out an edge server.

Claim 2:

The method of claim 1 wherein the generated command further ~~including~~ includes indicia reflective of the user.

Claim 10:

A system for inserting content into streaming media comprising

a streaming server for receiving content in the form of streaming media and passing it to a client;

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an insertion plugin associated with the streaming server for redirecting the streaming media and capable of recognizing an impending break in a media stream, wherein the insertion plugin is located at a server side;

a source of content to be inserted proximate to the streaming server;

a decision server responsive to the impending break in the media stream for directing the insertion of content from the source of content to be inserted into the media stream for substantially the duration of the break, wherein data packets of the content received from the streaming server that corresponds to a length of the break are removed and are replaced by the content to be inserted by the ~~insertion~~insertion plugin without requiring an a re-buffering between the media stream and the content to be inserted; and

a schedule engine providing an interface between the insertion plugin and the decision server for making a request to the decision server, receiving and parsing a playlist file from the decision server, and downloading content associated with the playlist file.

Allowable Subject Matter

4. Claims 1-13 are allowed.

5. The following is an Examiner's Statement of Reasons for Allowance:

In interpreting the claims, in light of the specification and the applicant's amendments filed August 25th, 2006, the Examiner finds the claimed invention to be

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patentably distinct from the prior art of record. The prior art does not teach all of the limitations of the independent claims in combination with the other elements presented.

The prior art of record teaches server-side stream insertion at edge servers in a network using data overwriting in predetermined portions of the stream (Eldering, abstract and fig. 5). The prior art also teaches this method using plug-ins to provide the content that requested by end users. The prior art further teaches dynamic insertion of content into data streams based upon preselected conditions and utilizing time-stamp modification to properly insert the content packets (Bhagavath, abstract).

However, as per claims 1-13, the prior art fails to teach the combination of a streaming edge server that accepts a stream, determines a point to remove content packets based on a signal associated with content desired by a user, replaces removed packets with content desired by the user that is time-adjusted to fit in the stream, and does not require a re-buffer while inserting the packets. Therefore, the claimed limitations are patentably distinct from the prior art of record.

6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas Taylor whose telephone number is (571) 272-

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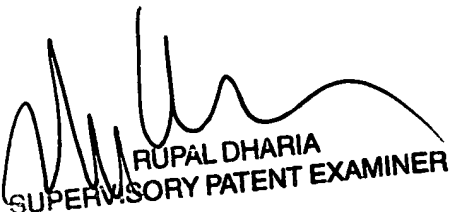
3889. The examiner can normally be reached on Monday-Friday, 8:00am to 5:30pm, with alternating Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3718.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Nicholas Taylor
Examiner
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RUPAL DHARIA
SUPERVISORY PATENT EXAMINER